

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

JENNIFER LEE CORTESE,
Plaintiff,
vs.
UNITED STATES POST OFFICE,
Defendant.

CV 20-65-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on January 4, 2021. (Doc. 14). The Magistrate recommended that the matter be dismissed for failure to state a claim on which relief could be granted and that the District Court certify that any appeal of the disposition could not be taken in good faith because the complaint is too sparse to support a claim. (Doc. 14 at 3).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 14) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that the Complaint (Doc. 3) be DISMISSED for failure to state a claim on which relief may be granted and the Court CERTIFIES that any appeal of this disposition will not be taken in good faith.

DATED this 25th day of January, 2021.



SUSAN P. WATTERS
United States District Judge